

## **TITLE 14. Fish and Game Commission**

### **Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1580, 1581, 1583 and 1907 of the Fish and Game Code and to implement, interpret or make specific sections 1526, 1528, 1530 and 1580-1585 of said Code, proposes to amend Section 630, Title 14, California Code of Regulations, relating to Ecological Reserves.

#### **Informative Digest/Policy Statement Overview**

Currently, there are 119 ecological reserves designated in Section 630, Title 14, CCR for the purpose of protecting sensitive habitats and species. The Department is requesting that this section be amended to add three new ecological reserves to this listing. The three new reserves are:

Leek Springs consisting of 160 acres in El Dorado County for the protection of wet meadow and red fir forest for the spotted owl, northern goshawk, willow flycatcher, great gray owl, marten, wolverine, Sierra Nevada red fox and downstream fisheries.

Burton Mesa, 5125 acres, Santa Barbara County as an ecological reserve to protect one of the last significant stands of Burton Mesa Chaparral, a rare natural community.

Agua Hedionda Lagoon, 186 acres, San Diego County as an ecological reserve to protect southern willow riparian forest and salt marsh for the light-footed clapper rail, least Bell's vireo, Belding's savannah sparrow, coastal California gnatcatcher and willow flycatcher.

The reasons for listing these properties in Title 14 are to regulate public use and provide the best available protection for the species and habitats the properties were acquired to protect. Since the properties contain sensitive species and important vegetation communities, and act as linkages for other important protected lands, it is necessary and appropriate to provide this level of regulatory protection to prevent improper use and degradation of wildlife resources. In order to do this efficiently, the Department has a set of general regulations which apply to all ecological reserves.

The Department may write special regulations for individual properties, as it thinks appropriate, to give an additional level of protection, or to permit specific public uses not governed by the general regulations. The Department is requesting special regulations for these reserves based on management information gathered which shows these amendments are necessary to protect the habitat or species within the properties.

Special regulations for Leek Springs Ecological Reserve will allow entry by permission of the regional manager only and prohibit fishing, pets, horses and bicycles in order to protect sensitive habitat and species. Vehicles will be prohibited, except for use by adjacent landowners and authorized personnel who may only use a road easement which bisects the property.

Special regulations for Burton Mesa Ecological Reserve will restrict motor vehicle use to management and public safety purposes to protect the rare chaparral community and allow upland game hunting in areas and at times specified by the Department. Since hunting is not normally permitted on ecological reserves, the special regulation is necessary when the Department determines that this kind of public use is appropriate and will cause no impacts to protected species and habitat.

Special regulations for Agua Hedionda Lagoon Ecological Reserve will prohibit fishing to protect vegetation and species, and allow for cooperative management of the reserve for fish and wildlife, and public safety with the County of San Diego.

For existing reserves, the Department wishes to amend special area regulations for Macklin Creek, Carrizo Plains, Morro Dunes, Blue Sky, Rancho Jamul, Upper Newport Bay, Carrizo Canyon, Magnesia Spring and Santa Rosa Plateau ecological reserves. Amendment of special area regulations for Carrizo Plains, Morro Dunes, and Rancho Jamul ecological reserves will identify new and existing units of the reserves to assist in carrying out management and public use activities, and additionally for Rancho Jamul, to allow activities associated with planned educational, conference, training and regional land management activities. An additional amendment for Carrizo Plains will allow nighttime biological surveys and associated activities.

Special regulations at Macklin Creek Ecological Reserve will prohibit fishing, hunting and public access to protect the federally threatened Lahontan cutthroat trout, while two special regulations at Upper Newport Bay Ecological Reserve will limit fishing and boating to certain areas to protect vegetation and sensitive species.

Special regulations will prohibit pets from entering Carrizo Canyon and Magnesia Spring ecological reserves unless they remain inside a motor vehicle for the protection of peninsular bighorn sheep. The addition of a special regulation for Blue Sky Ecological Reserve will prohibit bicycles to protect vegetation and species. A special regulation limiting equestrian use to docent led tours at Santa Rosa Plateau Ecological Reserve will be deleted to allow improved access to equestrian trails.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the board of Supervisors Chambers, 981 H Street, Suite 100, Crescent City on Friday, October 25, 2002 at 8:30 a.m. or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments may be submitted on or before October 16, 2002 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@dfg.ca.gov](mailto:FGC@dfg.ca.gov), but

must be received no later than October 25, 2002 at the hearing in Crescent City. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Tracy L. Reed at the preceding phone number. Kari Lewis, Department of Fish and Game, (916) 445-3789 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>

### **Availability of Modified Text**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

### **Impact of Regulatory Action**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulatory action adds three ecological reserves to Title 14 and special regulations for nine existing reserves in order to provide maximum protection of wildlife and habitat and to manage appropriate public use. It is not expected to negatively affect businesses, because the regulations are enforced

only on the specific state properties named.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State agencies or Costs/Savings in Federal funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

- (h) Effect on Housing Costs: None.

### **Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business.

### **Consideration of Alternatives**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

John M. Duffy  
Assistant Executive Director

Date: August 20, 2002